

(7) Prior to tending hawser;
 (8) Prior to transiting Point Pinellas Channel Light 1 in either direction.
 (c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

- (1) The words "Hello all vessels, a Navigational Advisory follows";
- (2) Name of vessel;
- (3) If engaged in towing, the nature of the tow;
- (4) Direction of Movement;
- (5) Present location; and,
- (6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

Dated: October 19, 1995.

Roger T. Rufe, Jr.,
*Rear Admiral, U.S. Coast Guard, Commander,
 Seventh Coast Guard District.*

[FR Doc. 95-29049 Filed 11-27-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5334-7]

Oregon: Affirmation of Immediate Final Rule To Authorize State Hazardous Waste Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Affirmation of immediate final rule and response to comments.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) today is responding to a significant adverse comment received in response to EPA's published decision in the Federal Register at Vol. 60, No. 195, FR 52629, October 10, 1995, to grant final authorization of Oregon's hazardous waste program revision under the Resource Conservation and Recovery Act, as amended (RCRA). After consideration of the comment, EPA's decision that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization remains unchanged. Thus, EPA approves Oregon's hazardous waste program revision and authorization of the revised program shall become effective on December 7, 1995.

EFFECTIVE DATE: December 7, 1995.

FOR FURTHER INFORMATION CONTACT: Cheryl Williams. U.S. EPA, M/S HW-105, 1200 Sixth Avenue, Seattle, Washington 98101, Phone (206) 553-2137.

SUPPLEMENTARY INFORMATION:

A. Background

EPA published an Immediate Final Rule in the Federal Register Vol. 60, No. 195 on October 10, 1995, FR 52629, stating that authorization of a revision to Oregon's hazardous waste program "shall become effective on December 7, 1995, unless significant adverse comments on Oregon's program revision application are received by the close of business on November 8, 1995." One significant comment was received on November 8, 1995, by the Technical Staff of the Confederated Tribes of the Umatilla Indian Reservation. EPA's Immediate Final Decision explained that if an adverse comment was received, EPA would publish either "(1) A withdrawal of the Immediate Final Decision or (2) a notice containing a response to comments which either affirms that the Immediate Final Decision takes effect or reverses the decision." EPA does not believe that the significant adverse comment made by the Technical Staff of the Confederated Tribes of the Umatilla Indian Reservation (Technical Staff of CTUIR or Technical Staff) merits a withdrawal of the Immediate Final Decision. However, EPA believes that a response to the Technical Staff of CTUIR is important to address the concerns raised and to affirm that the Immediate Final Decision will take effect as described.

B. Comments Regarding the Immediate Final Decision

The Technical Staff raised five issues concerning the Agency's decision to authorize Oregon's hazardous waste program revision. The heart of the comments go to the Technical Staff's concern over disposal of chemical weapons at the Umatilla Army Depot. To address the underlying concern, EPA reaffirms its role in environmental protection in this country. EPA is firmly committed to protection of human health and the environment and to ensuring that hazardous wastes are managed in an environmentally sound manner. After authorizing a state for a revision to its hazardous waste program, EPA functions in an oversight capacity with a strong mandate to see that the goals of RCRA are met. Based on its decision to authorize a revision to Oregon's hazardous waste program, EPA believes that Oregon can meet its

delegated obligation to carry out a hazardous waste program equivalent to the federal RCRA program. EPA does not abdicate its central role in protection of this nation's human health and the environment when it delegates a program to a state. EPA continues to monitor and assess a delegated program and, when necessary, calls upon the Agency's own enforcement authorities to fulfill the goals of RCRA. This core commitment is central to RCRA and no delegation alters the Agency's firm stance on upholding its obligation to protect the environment.

The specific concerns raised by the Technical Staff can be addressed one by one. The first issue is a concern that Tribal staff had neither initiated nor completed an independent Tribal evaluation of Oregon's authority compared to the federal requirements. EPA appreciates the difficulty in evaluating a state's application for revision to its authorized program. This complex task is detailed and resource intensive. To assist interested parties who wish to review a state application, EPA makes the state application available for review and designates staff to be available to respond to concerns. EPA believes that these measures, combined with publication in two of the largest newspapers in the state and in the Federal Register as well as the provision of an opportunity to comment on an authorization decision, are adequate. The Agency makes the decision to authorize a state program based on its findings that a state program is equivalent to the federal program, consistent on a national basis and provides adequate enforcement.

The second issue raised by the Technical Staff is a concern with proposed incinerators on ceded lands. If hazardous waste incinerators are built and permitted under RCRA, Oregon will have primary responsibility for enforcing corrective action requirements for these units. EPA will continue to oversee and assess the delegated program and anticipates working closely with Oregon as Oregon initiates its authorized corrective action program. Through the Memorandum of Agreement (MOA) between Oregon and EPA, the integrity of the delegated program will be maintained. EPA will use the Agency's enforcement authorities where necessary to ensure that human health and the environment are protected. Additionally, where EPA has trust obligations on ceded lands, EPA will act to fulfill those obligations.

The third issue raised is a concern that Oregon lacks a baseline environmental and human health monitoring system to predict, identify or

mitigate operational or accidental impacts. This concern raises a basic authorization issue about the delegated program currently in Oregon. EPA has not identified a similar concern in Oregon's delegated program but appreciates the comment. Although this concern does not effect the immediate decision to authorize this revision to Oregon's program, EPA will assess this concern in light of the existing delegated program.

The fourth issue raises a concern that the Confederated Tribes have interests, such as Natural Resource Trustee authority under CERCLA and Local Reuse of disposal of excess federal property land issues, that are directly impacted by the increased permitting authority available to Oregon upon authorization for this program revision. EPA and Oregon will work closely as Oregon undertakes this new delegation of authority in its hazardous waste program. In its evaluation of Oregon's revision to its delegated program, EPA has no reason to believe that these Tribal interests will not be addressed.

The final issue raises a concern related to emergency preparedness should proposed hazardous waste incinerators be sited as proposed on ceded lands near the Umatilla Reservation. EPA believes that emergency preparedness and planning is very important at all hazardous waste management sites. All appropriate parties should be included as part of the emergency planning coordination process. EPA will encourage Oregon to include all such appropriate parties in this process.

After consideration of these issues, EPA affirms its Immediate Final Decision to grant final authorization for Oregon's hazardous waste program revision.

C. Decision

I conclude that the immediate final decision, as noticed in the Federal Register Vol. 60, No. 195, on October 10, 1995, will take effect on December 7, 1995 as described. Accordingly, Oregon is granted final authorization to operate its hazardous waste program, as revised.

Compliance With Executive Order 12866

The Office of management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this

authorization will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of Section 2002(a), 3006 and 7004(b) of the solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 14, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95-29036 Filed 11-27-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7174

[MT-930-1430-01; SDM 79849]

Withdrawal of National Forest System Lands for the Pactola Visitor Information Center, Pactola Marina North, and Pactola Marina South; South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 35 acres of National Forest System lands from location and entry under the United States mining laws for a period of 20 years for the Department of Agriculture, Forest Service to protect the Pactola Visitor Information Center, Pactola Marina North, and Pactola Marina South. The lands have been and remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing.

EFFECTIVE DATE: November 28, 1995.

FOR FURTHER INFORMATION CONTACT:

Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2949.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect three Forest Service recreation areas:

Black Hills Meridian

Black Hills National Forest

Pactola Visitor Information Center

T. 1 N., R. 5 E.,

Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 5 acres.

Pactola Marina South

T. 1 N., R. 5 E.,

Sec. 10, SW $\frac{1}{4}$ of lot 4, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 20 acres.

Pactola Marina North

T. 2 N., R. 5 E.,

Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 10 acres.

The total areas described above aggregate 35 acres in Pennington County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: November 8, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-28914 Filed 11-27-95; 8:45 am]

BILLING CODE 4310-DN-P

43 CFR Public Land Order 7175

[NM-010-1430-01; NMNM 90118]

Withdrawal of Public Land and Federal Minerals to Allow Sale of Humate; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 120 acres of public land from surface entry and mining, and 680 acres of federally reserved mineral interests underlying private surface estate from mining, for a period of 20 years, for the Bureau of Land Management to protect an area having high potential for development of humate (a carbonaceous shale) from encumbrances due to mining claim location. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: November 28, 1995.

FOR FURTHER INFORMATION CONTACT:

Margie Martinez, BLM, Rio Puerco Resource Area Office, 435 Montano